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Attorney for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DIANE BARBOZA, Plaintiff, v. CAROLYN W. COLVIN, Acting Commissioner of Social Security, Defendant	CIVIL NO. C-12-1153-EDL STIPULATION AND PROPOSED ORDER FOR AWARD OF EQUAL ACCESS TO JUSTICE (EAJA) FEES
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IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff will be awarded attorney fees in the amount of five thousand five hundred dollars (\$5,500.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

1 After the Court issues an order for EAJA fees to Plaintiff, the Defendant will consider any
2 assignment of EAJA fees to Bay Area Legal Aid pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521,
3 2252-53 (2010), the ability to honor any such assignment will depend on whether the fees are
4 subject to any offset allowed under the United States Department of the Treasury's Offset
5 Program. After the order for EAJA fees is entered, the Defendant will determine whether they
6 are subject to any offset.

7 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that
8 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees to be
9 made directly to the Bay Area Legal Aid, pursuant to any assignment executed by Plaintiff. Any
10 payments made shall be delivered to Bay Area Legal Aid.

11 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees
12 and does not constitute an admission of liability on the part of Defendant under the EAJA.

13 Payment of the agreed amount shall constitute a complete release from, and bar to, any and all
14 claims that Plaintiff and/or Bay Area Legal Aid may have relating to EAJA attorney fees in
15 connection with this action. This award is without prejudice to the rights of Bay Area Legal Aid
16 to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause
17 provisions of the EAJA, although Bay Area Legal Aid has waived their right to claim any fees
18 under 42 U.S.C. §406(b).

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21 Dated: August 26, 2013

By: ____/s/_____

22 Steven M. Weiss

23 Attorney for Plaintiff
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1 Dated: August 26, 2013

By: ____/s/_(as authorized via email 8/26/13)

2 Dennis J. Hanna

3 Special Assistant United States Attorney

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5 ~~PROPOSED~~ ORDER:

6 PURSUANT TO THE STIPULATION, IT IS SO ORDERED

7 By: Elijah D. Laporte

8 Dated: August 29, 2013

Hon. Elizabeth D. Laporte,

9 United States Chief Magistrate Judge